

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NIEJEA FRANKLIN STERN,**  
**Plaintiff,**

**v.**

**SCI PHOENIX,**  
**Defendant.**

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**CIVIL ACTION NO. 23-CV-3927**

**ORDER**

AND NOW, this 7<sup>th</sup> day of December, 2023, upon consideration of Plaintiff Niejea Franklin Stern's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Amended Complaint (ECF No. 7), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Niejea Franklin Stern, #MQ9157, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Stern's inmate account; or (b) the average monthly balance in Stern's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Stern's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Stern's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Phoenix.
4. The Amended Complaint is **DEEMED** filed.
5. The Amended Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.
6. The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

**BY THE COURT:**

**/s/ Hon. Kelley B. Hodge**

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**KELLEY BRISBON HODGE, J.**